

## **Regular Meeting of California Borough Council, January 10, 2013, 6:30 pm**

President Bittner called the meeting to order at 6:30 pm

**ATTENDANCE:** Mr. Alfano, Mr. Bittner, Mr. Difilippo, Mr. Encapera, Mr. Glab, and Mr. Mariscotti

**ABSENT:** Mrs. Gutosky and Mayor Durdines

### **MOMENT OF SILENCE PLEDGE OF ALLEGIANCE**

### **ADDITIONS OR CHANGES TO AGENDA**

Solicitor Agrafiotis added Seiler Excavating release

Mr. Mariscotti added attorney for Cable Franchise contract

Mr. Melenzyer added discussions on the Amusement Tax Ordinance

Mr. Bittner stated that the agenda will stand approved as printed and amended.

### **PUBLIC COMMENT**

No public comment at this time

### **MINUTES**

Motion by Difilippo/Glab to approve the minutes of December 13, 2012 duly carried with all members present stating aye.

Motion by Glab/Difilippo to approve the minutes of the continued meeting of December 28, 2012 duly carried with all members present stating aye.

### **SECRETARY'S REPORT – MS. EVANS**

Ms. Evans read the accounts payable and account balances for December.

Motion by Difilippo/Glab to approve the Secretary's report duly carried with all members present stating aye.

### **PRESIDENT'S REPORT – MR. BITTNER**

### **ORDINANCE – POLICING LONG BRANCH BOROUGH**

Authorize the Solicitor to draw up an ordinance on policing Long Branch Borough.

Motion by Difilippo/Encapera to authorize the solicitor to draw up on ordinance on policing of Long Branch Borough duly carried on a roll call vote with all members present voting yes.

### **NEGOTIATIONS**

Mr. Bittner asked council to come up with a date to continue negotiations with the Street Dept.

### **PUBLIC HOUSING – MR. ALFANO**

### **ZONING/CODE ENFORCEMENT UPDATE**

Mr. Alfano read the finance report stating they finished out the year with a total income of \$172,967.32. He stated that is a substantial increase over the past couple of years. He stated it has been very busy and everyone is working really hard.

### **APPROVE ROBERTA SARRAF TO REVIEW ZONING ORDINANCE**

Mr. Alfano stated we have contracted with the firm of MacLaughlin, Cornelius, and Filoni to do a master plan for the downtown area in the borough and as one of their additional services they offer at an additional fee is to have a person they use as a consultant, Roberta Sarraf, to analyze our current zoning ordinance that will deal with the master plan process. They will give us some recommendations and so forth.

Motion by Alfano/Difilippo to approve Ms. Sarraf to do that part of the master site plan for a fee not to exceed \$3,000.00 and to be paid out of the gaming revenue duly carried on a roll call vote with all members present voting yes.

Under discussion Mr. Glab asked if she is going to analyze the zoning in the C1 downtown zone is that the only thing she is going to look at or is she going to be looking at the entire ordinance. Mr. Alfano stated anything that deals with properties & codes not just for downtown but anything that deals with codes and zoning. Mr. Melenzyer stated the parking thing that pertained to the commercial zone he will have at the next meeting and a recommendation for council. He thinks they could also discuss if council wants to amend the zoning ordinance on that issue. Mr. Glab stated that his concern is that is for the entire borough, all zones all areas for \$3,000.00. Mr. Alfano stated that the recommendations that she is going to make are going to be for the business district.

#### **PLANNING COMMISSION BY-LAWS**

Mr. Alfano stated at the committee meeting it was discussed to adopt the by-laws of the planning commission however, there are a few changes that need to be made and he will give those to the planning commission and they can look at those and bring them up for a vote at a later time.

#### **WEBINAR FOR PLANNING COMMISSION MEMBERS**

Mr. Alfano stated Mr. Petro made him aware of a webinar that will be available for Planning Commission members on Feb. 21<sup>st</sup>. If they can get loose and maybe meet at a centralized location. Mr. Petro is going to get more information but he doesn't think it will be very much of a cost at all. Instead of paying for each planning commission member to do it on their own he would rather they get together and do it all at one time.

Motion by Alfano/Mariscotti to allow up to \$200.00 for the planning commission to attend the training webinar duly carried on a roll call vote with all members present voting yes.

#### **PUBLIC WORKS – MR. MARISCOTTI**

##### **STREET DEPT. UPDATE**

Mr. Mariscotti stated they are good and ready for an inclement weather.

##### **CABLE FRANCHISE AGREEMENT**

Mr. Mariscotti stated that he has a proposal from the Cohen Law Group which is a law firm that specializes in Cable Franchise negotiations. They charge a flat fee and the franchise fee review is \$5,900.00 and the cable franchise renewal service is \$8,900.00 and is combined at \$14,800.00 but if you contract at the same time to do both they offer a 15% discount.

Motion by Mariscotti/Encapera to have the Cohen Law Group perform a franchise fee review and cable franchise renewal service for a combined cost of \$12,580.00 to be paid out of the gaming revenue fund duly carried on a roll call vote with all members present voting yes.

Mr. Mariscotti stated they charge a flat fee; one is for a franchise fee review and the second is

#### **PUBLIC SAFETY – MR. GLAB & MR. ENCAPERA**

Nothing at this time

#### **FINANCE – MRS. GUTOSKY**

Motion by Glab/Difilippo to pay the bills as presented duly carried on a roll call vote with all members present voting yes.

#### **PUBLIC HEALTH – MR. DIFILIPPO**

Mr. Difilippo stated anything that deals with sewage the engineers will have in their report.

#### **PURCHASE OF NEW MICROPHONES -LEGACY SOUND**

Motion by Difilippo/Mariscotti to purchase 11 microphones at a price of \$100.00 each to replace the ones we have right now duly carried on a roll call vote with all members present voting yes

## **PERSONNEL – MR. ENCAPERA & MR. GLAB**

Mr. Glab stated he hasn't had a change to discuss Mr. Kratzer with council so would prefer doing this in executive session.

## **MAYOR'S REPORT – MR. DURDINES**

### **METRO CONTRACT REWEVAL**

Mr. Bittner stated the metro contract needs renewed for 2013 and he will entertain a motion to do that. The cost is \$35.00 more than 2012.

Motion by Difilippo/Alfano to renew the Metro contract for 2013 was withdrawn and will be discussed further once Chief Encapera arrives at the meeting.

Mr. Glab stated he understands that some officers cannot access parts of the system that lets them do the drawings for the accident reports and was wondering if that is something that is covered under this metro contract.

Council decided to wait on Mayor's report until Chief Encapera arrives.

## **ENGINEERS REPORT- BILL JOHNSON**

### **GRANVILLE PUPMP STATION**

Mr. Johnson stated he did give Mr. Difilippo a letter from RAM Industrial regarding the replacement of pump #2 which states they have determined the fault in that pump is from no fault of the borough or the installation or maintenance but that it is something internal in the pump itself and we should have a determination on the replacement of that pump by next week.

### **SEWER PLANT PROJECT**

Mr. Johnson stated they are preparing the agreements for the material purchase and the major end item process equipment. Once they are done they would like Mr. Melenzyer to read over them.

## **PART II PERMIT SUBMISSION**

Mr. Johnson stated that he a phone call with the DEP today and those should be here by Wednesday of next week. Any comments should be minor and Fayette Engineering will address those and resubmit for the part II permit.

## **PEACH ALLEY REMEDIATION**

Mr. Johnson stated they will have a survey crew on location for Monday for final locations of the utilities for the length of the project. He expects to submit the Highway Occupancy permit by the end of the month.

Motion by Glab/ Difilippo to authorize Fayette Engineering to act as agent for the borough in the Highway Occupancy permitting process duly carried with all members present stating aye.

## **MAYOR'S REPORT – CHIEF ENCAPERA**

### **METRO CONTRACT**

Chief Encapera stated that the Metro contract was signed a bill has been submitted in the amount of \$1,175.00. He stated that it is a program that keeps everything straight and they all like it and it is on our main computers and all our reports go through it. Mr. Glab asked about the officers that couldn't access the drawing portion of the accident reports. Chief Encapera stated that is just a bad wire and our computer tech came in and found the bad wire and he thinks the problem is corrected. If not he will come back and run a whole new hardwire straight to the main console.

Motion by Difilippo/Alfano to renew the Metro contract in the amount of \$1,175.00 duly carried on a roll call vote with all members present voting yes.

## **OFFICERS TRAINING**

Chief Encapera stated there are some training courses coming up that some of the officers were interested in attending. They are all free classes and they are on building searches, standardized field sobriety, drug interdiction stops, and what's new in drugs and the only cost the borough would incur is for the officers' wages at straight time.

Motion by Glab /Encapera to authorize Officer Shultz to attend training on Feb. 6<sup>th</sup> and 7<sup>th</sup> for Building searches, on May 6<sup>th</sup> & 7<sup>th</sup> for drug interdiction stops, and on April 29<sup>th</sup> for what's new in drugs at no cost other than officers wages duly carried on a roll call vote with all members present voting yes.

Motion by Encapera/Glab to authorize Officer Shultz and Officer Childs to attend the training on June 3<sup>rd</sup>, 4<sup>th</sup>, & 5<sup>th</sup> on Standardized field sobriety at no cost other than Officers' wages duly carried on a roll call vote with all members present voting yes.

Mayor Durdines arrived at the meeting

#### **DISTRICT ATTORNEY EUGENE VITTONI**

Mr. Vittone stated that California spends a good deal of money on police services and we have a good police department and he enjoys working with them. He added that one of the things that give him pleasure is when you get money or property from drug dealers, be it cars or cash and there is a statute that states that you can forfeit that property upon motion and legal process through the district attorney's office and one of the things he has started doing is when it is your money and hard work that that ends up yielding that property to the commonwealth he likes to give it back. He is pleased to present a check in the amount of \$1,207.00 which represents property taken from drug dealers in the borough. This money can be used for drug fighting, policing efforts, law enforcement efforts, and drug abatement strategies. Mr. Vittone presented Chief Encapera with the check.

#### **PART TIME OFFICERS**

Mayor Durdines stated he mentioned at the committee meeting that he would like to advertise for part time police officers and is asking council to pass a motion.

Motion by Encapera/Mariscotti to advertise for part time police officers duly carried on a roll call vote with all members present voting yes.

Mr. Glab asked what criteria he wants to use; the minimum criteria we used last time for part timers or the minimum criteria we used last time for the full time officers. Mr. Durdines stated the minimum criteria we used for the part timers. He thinks it has worked out well in the past.

#### **SOLICITORS REPORT**

##### **MCFADDIN ISSUE – VACATING ALLEY**

Mr. Melenzyer stated that he has gone over Mr. Petro's paperwork and that portion of the alleyway behind McFaddin's property could be vacated and the reason being it dead ends. We could vacate the portion and only the portion behind McFaddin's property and you have to have a hearing, notice property owners, and have a stenographer. He understands there was some questions on the fees. However, Mr. McFaddin had first approached council back in early 2011 and there is rumor that council will have leniency for Mr. McFaddin. He asked council what their pleasure is. Mr. Glab stated we need to move this process forward.

Motion by Glab/Alfano to have a hearing to vacate the alley behind Mr. McFaddins home and waive all fees due to delay and circumstances involved duly carried on a roll call vote with all members present voting yes.

#### **PARKING IN THE COMMERCIAL DISTRICT**

Mr. Melenzyer asked council what they wish do with the parking in the commercial district as it relates to the retail businesses coming into town and will there be a waiver considered by ordinance to not require the parking as it relates to the retail business, but if it is a mixed use, of course they would have to have parking for apartments or whatever else. Now that brings in the study of the business district that is going to be done by Albert Filoni. Is there an urgency regarding the parking issue because he thought there was somebody who was interested in making proposals for certain commercial sites. Mr. Bittner stated they have one site that may want to get started in May; he spoke about it at the committee meeting last week that they were looking for some relief from the borough on the project. Plus the theatre property also, we thought that would be a good marketing tool to have it done. He stated personally he would like to go ahead and move on that part of the ordinance now. Mr. Alfano stated he thinks the parking is only a small portion of the zoning so he agrees that we should have the solicitor proceed with amending the parking portions in the commercial zone. Mr. Melenzyer stated the only thing we

are talking about is if a retail business comes in they can't have a location within the business district and provide all the parking because it is just not available. Most of your commercial district the buildings are butted up against one another and they can't even meet the setback requirements or anything else. He stated they can prepare an ordinance along those lines and give it to council for review. If council directs him they will put it together and advertise it.

Motion by Alfano/Difilippo to authorize the solicitor to draw up an amendment to the parking requirements in the commercial business district duly carried on a roll call vote with all members present voting yes.

#### **AMUSEMENT TAX ORDINANCE #536**

Mr. Melenzyer stated council has been given draft copies of the amusement tax ordinance. He asked what council's pleasure is so it can be advertised and adopted at the February meeting.

Motion by Alfano/Glab to authorize the solicitor to advertise Ordinance #536 duly carried on a roll call vote with Mr. Bittner, Mr. Encapera, Mr. Glab, and Mr. Alfano voting yes and Mr. Difilippo and Mr. Mariscotti voting no.

Under discussion Mr. Melenzyer explained that he would like council's input on the percentage used, currently most are at 10% and that there are exemptions for activities or events that involve persons or children under 18 years of age, which would exempt a high school event. You don't have to have exemptions you can make it so everyone pays the tax. He stated the rest of the ordinance is pretty standard, but if anyone else has any concerns please call him at the office and he can explain it further. After some discussion council left the ordinance as is.

#### **SEILER EXCAVATING RELEASE**

Motion by Glab/Difilippo to enter into the release with Seiler Excavating once original copy of release is received duly carried on a roll call vote with all members present voting yes.

Motion by Difilippo/Mariscotti to authorize the solicitor to notify the bonding company that there was a misunderstanding after the release is fully executed duly carried on a roll call vote with all members present voting yes.

#### **CROW DISPERSING**

Mr. Bittner stated the crows are here and Erhlich has started measures to disperse the crows from California however we may need to extend a couple days to increase the chances of them leaving at a cost of \$575.00 per day.

Motion by Glab/Alfano to authorize Erhlich an extension of two additional days if necessary at a cost of \$575.00 per day duly carried on a roll call vote with all members present voting yes.

#### **EXECUTIVE SESSION**

Motion by Glab/Alfano to go into executive session at 7:45 pm

Council reconvened at 8:15 pm and Mr. Bittner stated the executive session was on personnel in the police department and zoning department.

#### **PEROSNNNEL – MR. GLAB**

Motion by Glab/Encapera to extend Shannon Kratzer's probationary period an additional 180 days from the effective date of his current probationary period duly carried with all members present stating aye.

#### **REIMBURSE OFFICER CHILDS**

Motion by Glab/Difilippo to reimburse Officer Childs \$46.98 for police equipment and to add & include that in the bills duly carried on a roll call vote with all members present voting yes.

#### **OLD BUSINESS**

Nothing under old business

## **NEW BUSINESS**

Motion by Difilippo/Encapera to instruct the solicitor to send a letter requesting from former Police Officer Vitale to return all California Borough's equipment including the dog and the fence within 7 days of receipt of letter duly carried on a roll call vote with all members present voting yes.

Motion by Mariscotti/Difilippo to authorize the solicitor to investigate the purchase of the fence and to determine if a lien can be filed against the property for the cost of the fence by the borough and if so to authorize him to file a lien against the property for the fence duly carried on a roll call vote with all members present voting yes.

## **RECOGNITION OF CITIZENS**

### **JIM MADDIEX**

Mr. Maddiex asked if the cable franchise consultant fee of \$12,580.00 will come back to the borough in additional revenue or spent and thrown out the window. He stated the borough at one time had an anonymous drug hotline and is that still an active number. He suggested promoting it and relocating the signs to a more prominent location. Mr. Maddiex announced the planning commission met and reorganized with Mr. Sears as the Chairman, Norm Hasbrouck – Secretary, Mrs. Mariscotti – Chairwoman pro temp, Pete Capanna – Treasurer, and Mr. Maddiex -Vice Chairman.

## **ADJOURN**

Motion by Difilippo/Glab to adjourn the meeting at 8:30 pm